

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

LAWRENCE P. ORGAN )  
Plaintiff, )  
vs. )  
MARC BYRON, BEN KAAK, and )  
CATHERINE BARBARO )  
Defendants. )

FILED  
JUN 30 2005  
MICHAEL W. DIBBLE, CLERK  
CLERK, U.S. DISTRICT COURT

**MOTION TO DISMISS THE PLAINTIFF'S COMPLAINT**

The Defendants, Marc Byron, Ben Kaak and Catherine Barbaro, hereby move the Court, pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure, to dismiss the Plaintiff's Complaint. The grounds for the Defendants' Motion are more fully set forth in the accompanying Memorandum of Law, which is incorporated herein.

WHEREFORE, the Defendants respectfully request that this Court dismiss the Plaintiff's Complaint and grant the Defendants whatever further relief this Court deems necessary and just.

Respectfully submitted,

SEYFARTH SHAW LLP



Robert B. Lovett  
Christopher F. Robertson  
SEYFARTH SHAW LLP  
World Trade Center East  
Two Seaport Lane, Suite 300  
Boston, MA 02210-2028  
Telephone: (617) 946-4800  
Facsimile: (617) 946-4801

J. Scott Humphrey  
SEYFARTH SHAW LLP  
55 East Monroe Street  
Suite 4200  
Chicago, Illinois 60603  
Telephone: (312) 346-8000  
Facsimile: (312) 346-8869